

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

14-CR-133
ORDER

GIOVANNI COTTO,

Defendant.

Pro se Defendant, Giovanni Cotto, is currently serving a 115-month sentence, imposed on September 12, 2018, after being found guilty of Retaliating Against a Witness, in violation of 18 U.S.C. §§ 1513(b)(1), 1513(c), and § 2. Defendant previously appealed his conviction and sentence, and more recently he has filed a pending motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2255.

Defendant has also filed a letter motion for free copies of the docket sheets in his cases, 14-CR-133 and 21-CV-1036. Dkt. 368. For the reasons stated below, the Defendant's letter motion is GRANTED.

DISCUSSION

The relief Defendant seeks is governed by 28 U.S.C. § 2250, which states that an indigent petitioner may be provided with free "copies of . . . documents or parts of the record on file." The statute applies only "on . . . application for a writ of habeas corpus." *Id.* Defendant, as noted, filed an application for a writ of habeas corpus and he specifically referenced that pending motion in his request for the docket sheets.

CONCLUSION

Based on the foregoing, it is hereby

ORDERED that Defendant's letter motion for free copies of the referenced docket sheets is GRANTED; and it is

ORDERED that the Clerk of the Court shall take all steps necessary to comply with this order.

Dated: January 31, 2023
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE